

had taken antineoplastins. That knowledge is why he is now being targeted by the Schiffs. "He's the only one who knew specifically about Dr. Burzynski's medicine," says Ric Schiff. "If UCSF knew or should have known that there was a potential treatment that cured brain tumors with no long-term side effects, why didn't they tell us when we asked if there was any other possible treatment?"

California law is not clear on what doctors must disclose to their patients. A 1972 judgment from the California Supreme Court lays down a general rule: "There is a duty of reasonable disclosure of available choices with respect to proposed therapy and of the dangers inherently and potentially involved in each." Some judges have interpreted this to mean that doctors do not have to disclose a treatment that, in their opinion, does not help the patient.

The judge trying the case ruled on narrower legal grounds. California law forbids doctors from authorizing treatment unless the federal government or the state of California has approved the drug or has granted permission to investigate it. As the hospital doctors pointed out, Dr. Burzynski did not have government approval to ship antineoplastins

across state lines in the summer of 1993 when Chrystin started treatment.

Last February, Judge David Garcia of the California Superior Court agreed with the hospital's lawyers and dismissed the case against Dr. Prados. The Schiffs are appealing. The family is also suing the hospital for giving their daughter a lethal dose of chemotherapy and radiation without obtaining the proper consent.

The court ruled on a technical argument about the legality of the treatment back in 1993. But were Prados and fellow doctors under an obligation to tell the Schiffs about an unorthodox, unproven treatment? Dr. W. Byron Smith, the oncologist who treated Chrystin, thinks not. He sympathizes with the Schiff family but says that Burzynski had never held a proper clinical trial to prove that his remedy worked. He still hasn't.

Smith also thinks that UCSF handled Chrystin's case very well and that it was appropriate to give chemotherapy and radiotherapy after some of the tumor persisted after surgery. And what if Chrystin had gone on antineoplastins instead of going through chemotherapy and radiation? "She would have died within 3 to 6 months," Smith believes. "But without a clinical study, no one knows."

US agency to test safety of four herbs

Scott Gottlieb, New York

Four popular herbal supplements are to undergo safety checks, the US National Toxicology Program has announced. The program, a coalition of agencies that includes the Food and Drug Administration, the National Institutes of Health, and the Centers for Disease Control and Prevention, will test aloe vera, ginseng, kava, and milk thistle. Researchers are expected to look at whether the substances are carcinogenic.

The substances were originally nominated for testing by the National Cancer Institute. The recommendations were then reviewed and approved by the federal Interagency Committee for Chemical Evaluation and Coordination, which advises the National Toxicology Program. No data indicating a problem are required for nomination to the program. More than 30 substances are tested by the program each year through rodent and

in vitro studies, said Dr. William Easton of the National Institute of Environmental Health Sciences. No humans are tested.

One of the most widely used products among those chosen for testing, aloe vera, is commonly used to soothe burned skin, but it is increasingly turning up as a beverage, with claims that it can fight disease by "cleansing" the digestive tract. Dr. Easton said that researchers have noted some similarities between aloe vera and croton oil, a known carcinogen. Other substances that have been nominated for testing are kava, which is popularly believed to work as a muscle relaxant and mood enhancer; ginseng, which is touted as an energy booster; and milk thistle, which is thought to have anticancer properties and to improve liver function.

A fifth substance nominated for testing, indole-3-carbinol, is found in cruciferous vegetables (a family of plants with cross-shaped flowers, such as cabbage and turnip). Indole-3-carbinol is believed to have potential to reduce the risk of cancer.

News in brief

Rise in number of mentally ill in US prisons

A growing number of people with mental illness are being held in US prisons, claims the Department of Justice's first in-depth national study of mental illness in prisons. It reports a total of 283,800 prison inmates with some form of mental illness in mid-1998. That number represents about 16% of the total prison population, compared to a previous literature review that suggested 6% to 15% of people in city and county jails and 10% to 15% of inmates in state prisons had severe mental illness.

The more recent report blames the wave of deinstitutionalization that started in the 1960s. The number of people in state psychiatric hospitals decreased from 559,000 in 1955 (out of a population of 165 million) to 72,000 by 1998 (out of a total national population of around 250 million). The Department of Justice study found that mentally ill people in state prisons were twice as likely as other prisoners to have been homeless before their arrest and to have been physically or sexually abused in childhood. The study has been criticized because it relied on answers given by prison inmates themselves. A copy of the study, *Mental Health and Treatment of Inmates and Probationers*, is available on the Internet at www.ojp.usdoj.gov/bjs/pub/.

FDA halts urokinase sales

The US Food and Drug Administration has stopped shipments of urokinase after fears that the drug could be contaminated by mycoplasma. This action follows accusations that constituents of the drug were manufactured by using kidney cells from aborted fetuses obtained without proper consent from the mothers.

British Columbia first province to license acupuncturists see also p.149

British Columbia has become the first Canadian province to regulate and license acupuncturists. All acupuncturists in the province will be required to obtain approval from a new organization, the College of Traditional Chinese Medicine and Acupuncture Practitioners of British Columbia. Establishment of the College is being billed by provincial officials as the first step toward health-plan coverage of Chinese medicine by the province, which pays for most treatments offered by conventional physicians in British Columbia. A physician speaking for the British Columbia Medical Association was quoted in the Canadian newspaper, *The Globe and Mail*, as being concerned that the new regulatory body included no researchers or academic physicians, only "true believers" in acupuncture.